

6. Venue is proper in this district pursuant to 5 USC § 552(a)(4)(B) and 5 USC § 552a(g)(5).

STATEMENT OF FACTS

THE RYAN NOAH SHAPIRO FOIA/PA REQUESTS

7. In September or October 2008, Plaintiff sent a FOIA/PA request to the FBI via First Class mail requesting a copy of any records pertaining to him.

8. In a letter sent to Plaintiff dated October 17, 2008, the FBI acknowledged receipt of Plaintiff's FOIA/PA request and assigned it tracking number 1121258-000.

9. Plaintiff received a letter dated October 30, 2008 from the FBI indicating that no responsive records could be found.

10. On May 26, 2011, Plaintiff again sent a FOIA/PA request to the FBI via First Class mail requesting a copy of any records pertaining to him. This time, Plaintiff specifically requested that the FBI conduct a main file and a cross-reference search as well as Headquarters, Field Office, and Task Force Office searches, ELSUR, MISUR, FISUR searches, and electronic and paper searches.

11. Plaintiff received a letter dated June 2, 2011 from the FBI indicating that no responsive records could be found. This letter further indicated that Plaintiff's May 26, 2011 request had been assigned tracking number 1167292-000.

12. On June 8, 2011, Plaintiff again sent a FOIA/PA request to the FBI via First Class mail requesting a copy of any records pertaining to him. Plaintiff specifically requested that the FBI conduct a main file and a cross-reference search as well as Headquarters, Field Office, and Task Force Office searches, ELSUR, MISUR, FISUR searches, and electronic and paper searches. Plaintiff also provided the FBI with additional information to use in locating records responsive to his request. This

additional information included pages from FOIPA Release 1147158-001 (SHAPIRO, PAUL HARRIS) which explicitly and implicitly discuss FBI investigations of Plaintiff. This additional information also included information about other animal rights groups and campaigns and individuals with which Plaintiff was involved which may have been of investigative interest to the FBI.

13. In a letter sent to Plaintiff dated June 16, 2011, the FBI acknowledged receipt of Plaintiff's FOIA/PA request and assigned it tracking number 1167292-001.

14. On July 22, 2011, Plaintiff sent a letter to Dennis J. Argall, Public Liaison Officer and Assistant Section Chief, via Priority mail (Tracking #03102010000203969659) which was received by the FBI on July 25, 2011. The letter detailed multiple search failures on the part of the FBI in response to previous requests made by Plaintiff, including the above-discussed requests for information pertaining to Plaintiff.

15. Pursuant to 5 USC § 552(a)(6)(A)(i), a response to Plaintiff's June 8, 2011 FOIA/PA request was due within 20 working days, or July 15, 2011.

16. Under 5 USC § 552(a)(6)(C)(i), Plaintiff is deemed to have exhausted his administrative remedies because Defendant has failed to comply with the statutory time limit.

17. On information and belief the FBI maintains files and/or subfiles on Plaintiff in its Central Records System (CRS).

THE COK FOIA REQUESTS

18. On or about January 31, 2010, Plaintiff sent a FOIA request to the FBI via First Class mail requesting a copy of any records pertaining to the organization Compassion Over Killing (COK).

19. Plaintiff received a letter dated March 1, 2010 from the FBI indicating that no responsive records could be found. This letter further indicated that Plaintiff's January 31, 2010 request had been assigned tracking number 1143759-000.

20. On January 18, 2011, Plaintiff sent a FOIA request to the Washington, D.C. Field Office of the FBI via First Class mail requesting a copy of any records pertaining to the organization COK. Plaintiff specifically requested that the FBI conduct a main file and a cross-reference search as well as ELSUR and MISUR searches. Plaintiff also provided the FBI with additional information to use in locating records responsive to his request. This additional information included a reference to [REDACTED] [REDACTED] which clearly and repeatedly reveals the existence of investigations by the Washington Field Office of the FBI of COK.

21. Plaintiff received a letter dated February 4, 2011 from the FBI indicating that no responsive records could be found. This letter further indicated that Plaintiff's January 18, 2011 request to the Washington Field Office had been assigned tracking number 1160815-000. This letter also indicated that if Plaintiff had additional information pertaining to the subject which shows that COK was of investigative interest to the FBI, the FBI would conduct a further search if Plaintiff provided that information.

22. On February 10, 2011, Plaintiff sent a FOIA request to the FBI via First Class mail requesting a copy of any records pertaining to the organization COK. Plaintiff provided information to the FBI which shows that COK was of investigative interest to the FBI and requested an additional search be performed. Specifically, Plaintiff submitted a CD containing pages from [REDACTED] [REDACTED]. Plaintiff specifically requested that the FBI conduct a main file and a cross-reference search.

23. The FBI has not responded to Plaintiff's February 10, 2011 FOIA request.

24. Pursuant to 5 USC § 552(a)(6)(A)(i), a response to Plaintiff's February 10, 2011 FOIA/PA request was due within 20 working days, or March 11, 2011.

25. Under 5 USC § 552(a)(6)(C)(i), Plaintiff is deemed to have exhausted his administrative remedies because Defendant has failed to comply with the statutory time limit.

26. On information and belief the FBI maintains files and/or subfiles on COK in its Central Records System (CRS).

27. On March 9, 2011, Plaintiff sent a FOIA request to the FBI via First Class mail requesting a copy of any records pertaining to the organization COK. Plaintiff provided information to the FBI which shows that COK was of investigative interest to the FBI and requested an additional search be performed. Specifically, Plaintiff submitted a CD containing pages from [REDACTED] [REDACTED] explicitly demonstrating FBI investigative interest in COK. Plaintiff also included the names of individuals who are shown by the FOIPA release to be subjects of the investigation of COK by the FBI. Plaintiff specifically requested that the FBI conduct a main file and a cross-reference search and ELSUR and MISUR searches.

28. In a letter sent to Plaintiff dated March 24, 2011, the FBI acknowledged receipt of Plaintiff's FOIA/PA request and assigned it tracking number 1143759-001.

29. Pursuant to 5 USC § 552(a)(6)(A)(i), a response to Plaintiff's March 9, 2011 FOIA/PA request was due within 20 working days, or April 21, 2011.

30. Under 5 USC § 552(a)(6)(C)(i), Plaintiff is deemed to have exhausted his administrative remedies because Defendant has failed to comply with the statutory time limit.

31. On January 18, 2011, Plaintiff sent a FOIA request to the Baltimore, MD Field Office of the FBI via First Class mail requesting a copy of any records pertaining to

the organization COK. Plaintiff specifically requested that the FBI conduct a main file and a cross-reference search as well as ELSUR and MISUR searches. Plaintiff also provided the FBI with additional information to use in locating records responsive to his request. This additional information included a reference to [REDACTED] [REDACTED] which clearly and extensively reveals the existence of investigations by the FBI of COK.

32. Plaintiff received a letter dated February 9, 2011 from the FBI indicating that no responsive records could be found. This letter further indicated that Plaintiff's January 18, 2011 request to the Baltimore Field Office had been assigned tracking number 1161231-000.

COUNT I:
VIOLATION OF FOIA/PA

33. This Count realleges and incorporates by reference all of the preceding paragraphs.

34. Defendant has violated FOIA and PA by failing to produce records responsive to Plaintiff's FOIA/PA request dated June 8, 2011 (tracking number 1167292-001).

35. Defendant has violated FOIA by failing to produce records responsive to Plaintiff's FOIA request dated February 10, 2011.

36. Defendant has violated FOIA by failing to produce records responsive to Plaintiff's FOIA request dated March 9, 2011 (tracking number 1143759-001).

37. Plaintiff has been and will continue to be irreparably harmed until Defendant is ordered to comply with Plaintiff's FOIA/PA request.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

- (1) Declare Defendant's failure to comply with FOIA and PA to be unlawful;
- (2) Enjoin Defendant from continuing to withhold the records responsive to Plaintiff's FOIA/PA request and otherwise order Defendant to produce the requested records without further delay;
- (3) Grant Plaintiff an award of attorney fees and other litigation costs reasonably incurred in this action pursuant to 5 USC § 552(a)(4)(E)(i) and 5 USC § 552a(g)(3)(B); and
- (4) Grant Plaintiff such other and further relief which the Court deems proper.

Respectfully Submitted,

/s/ Jeffrey Light

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